

Penshurst Public School Modification 1

State Significant Development Modification Assessment
(SSD 8365 MOD 1)
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Glossary

Abbreviation	Definition
Applicant	NSW Department of Education
BCA	Building Code of Australia
Council	Georges River Council
Crown Lands	Crown Lands, DPIE
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

Contents

1	Introduction	1
1.1	Background	1
1.2	Approval history.....	3
2	Proposed modification	4
3	Strategic context.....	6
4	Statutory context	7
4.1	Scope of modifications	7
4.2	Consent authority	7
5	Engagement.....	8
5.1	Department's engagement.....	8
5.2	Summary of submissions	8
6	Assessment	9
6.1	Built form	9
6.2	Internal layout.....	10
6.3	Landscaping	11
7	Evaluation.....	13
8	Recommendation.....	14
9	Determination.....	15
	Appendices	16
	Appendix A – Notice of Modification	16
	Appendix B – Additional information.....	16

1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for Penshurst Public School in the Georges River Council Local Government Area (LGA).

The modification application seeks approval for additional stairs, adjustment to stormwater coordination and installation of a sprinkler system.

The application has been lodged on 27 February 2020 by NSW Department of Education (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The Penshurst Public School (the site) is currently operating at 510 Forest Road, Penshurst. The site is legally described as Lots 3 to 15 DP 8173 (inclusive). The site is located approximately 15 kilometres (km) southwest of Sydney CBD, 300m north of Penshurst Train Station. The site context and location are shown in **Figure 1**.

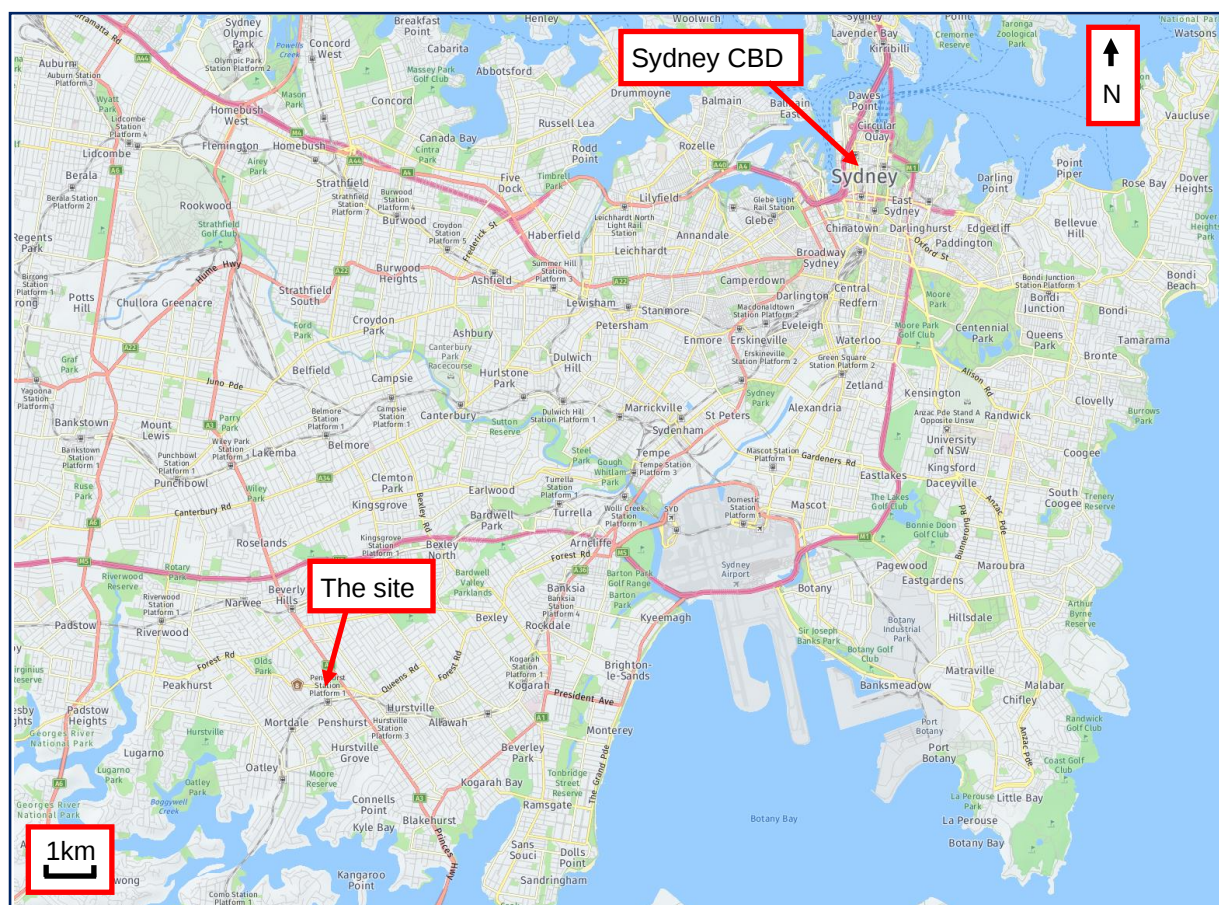


Figure 1 | Regional Context Map (Source: Nearmap 2020)

The site is owned by the NSW Department of Education and has a 78.99m frontage to Forest Road and a 199.09m frontage to Arcadia Street. The site shares the south western boundary with St Declan's Catholic School (SDCS) measured at 148.87m, while its rear north western boundary measures 60.96m.

Construction works have commenced within the Penshurst Public School site pursuant to SSD-8365. The former school buildings and structures were all demolished to make way for the new four storey educational establishment. Teaching and learning functions of Penshurst Public School have been temporarily relocated to Peakhurst West Public School for the duration of construction activities. The temporary intensification of the Peakhurst West site is limited to a maximum of two years from Day 1 Term 1 2019 (29 January 2019) under development consent DA2018/0039 issued by Georges River Council.

Vehicular access to the site is provided at two locations along Arcadia Street. Pedestrian access was provided primarily from Arcadia Street and secondary access on Forest Road.

The site is surrounded by varied land uses, including St Declan's Catholic Primary School and Church adjacent to the southwest, existing low density residential development one to two storeys in height to the northwest, existing residential apartment buildings three to four storeys in height opposite to the northeast and a small industrial precinct opposite the site (see **Figure 2**).



Figure 2 | Local Context Map (Source: Nearmap 2020)

1.2 Approval history

On 21 February 2019, the Executive Director, Priority Projects granted consent for the redevelopment of Penshurst Public School (SSD-8365), comprising the following (refer to **Figure 3**):

- site preparation works including demolition of existing buildings and removal of 30 trees.
- site remediation works.
- site consolidation.
- construction of a new four storey building, comprising:
 - indoor and outdoor learning areas
 - administration areas, staff facilities and library
 - multi-purpose hall/canteen/out of school hours building
 - rooftop covered outdoor learning area and student amenities block.
- construction of a new assembly/courtyard space, comprising a multi-purpose outdoor court.
- construction of an at-grade car park accommodating 20 car parking spaces.
- site landscaping, including planting of new trees, various shrubs, ground covers, evergreen climbers over rooftop shade structures, screen planting along the northern site boundary, new turf planting to the southern end of the site comprising a mass planted drainage swale.
- ancillary infrastructure services, including installation of a new substation and installation of a new on-site detention tank, rainwater tank and associated new stormwater connections to Arcadia Street.

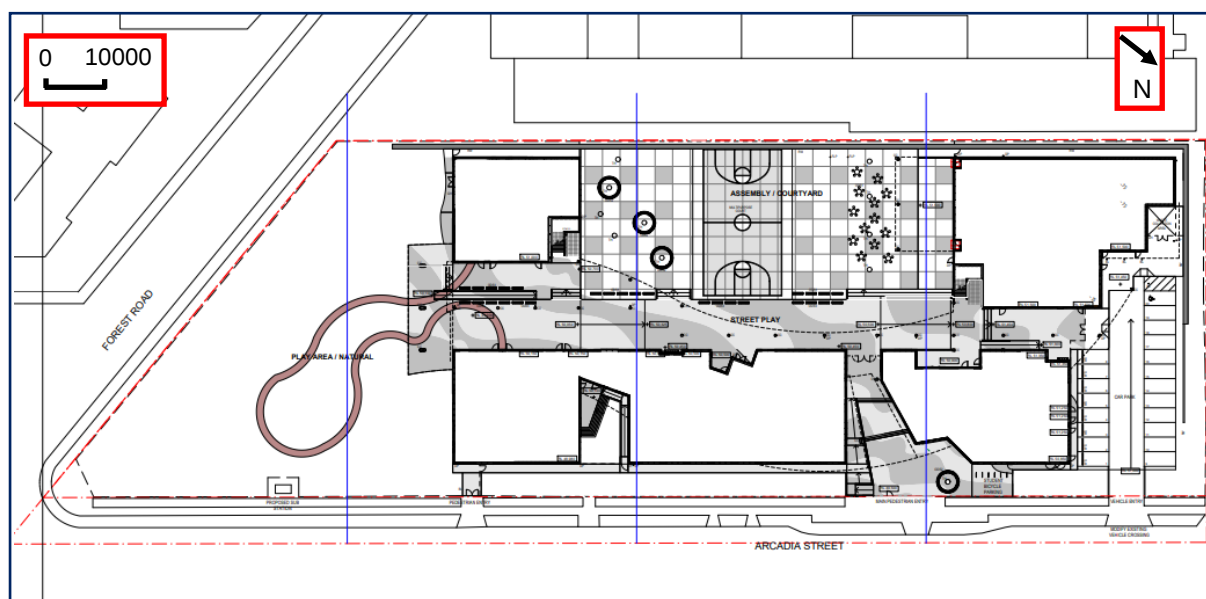


Figure 3 | Approved Site Plan (Source: SSD-8365)

The development consent includes the following conditions relevant to the application:

- Condition A2 – which requires development to be carried out in accordance terms of consent including; conditions of this consent, written directions from the Planning Secretary, generally in accordance with the Environmental Impact Statement and Response to Submissions, as well as the approved plans.

The development consent has not been previously modified.

2 Proposed modification

The proposed modification seeks to amend consent SSD-8365 under section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act). The application seeks approval for (see **Figure 4** and **Figure 5**):

- reorientation of stair 1 by 180 degrees, additional extra flight to street play area, and new column 300 x 400mm under landing
- reduce area of sports store
- add new stair 4 at the southern end of the school building
- minor adjustment to ramp for stormwater coordination to remove level change adjacent to stairs and allow for a new pit
- installation of sprinkler system to service the building, including installation of a sprinkler pump adjacent to the existing Fire Hydrant pump room at the north east of the school building
- minor internal layout changes in response to adjustments to stairs, new sprinkler pump and stormwater coordination
- amendment to the external openings of the plant rooms.

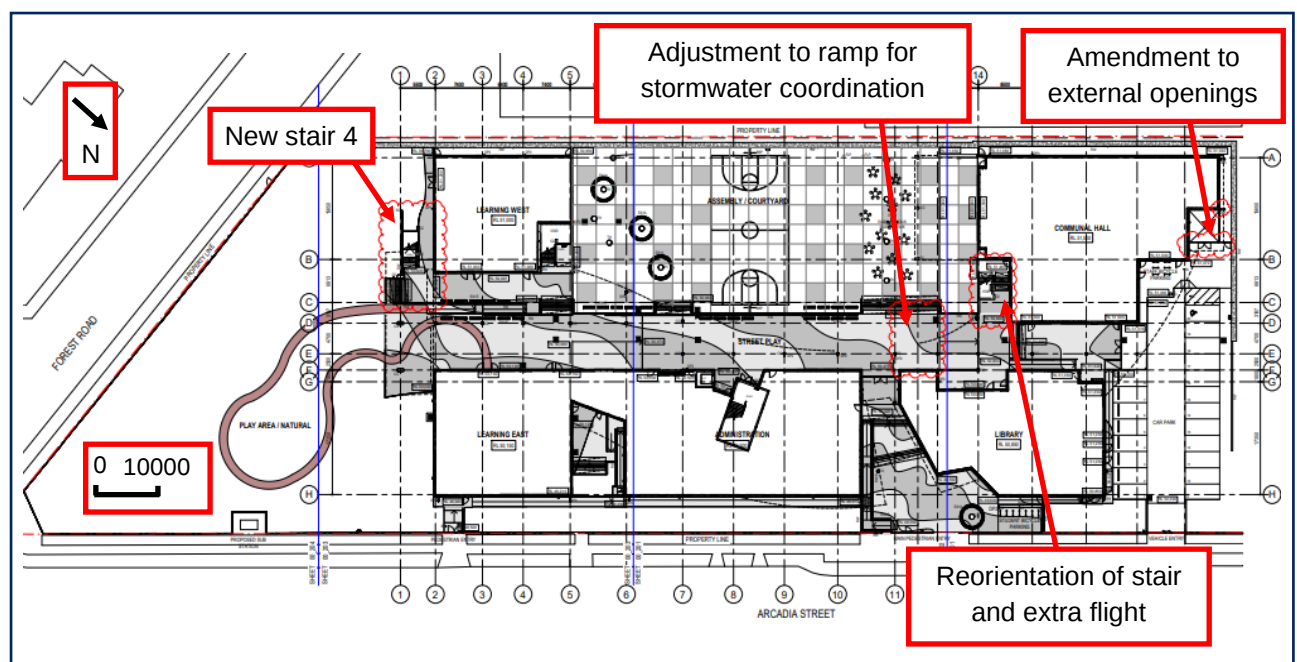


Figure 4 | proposed modification (Source: Applicant's modification application 2020)

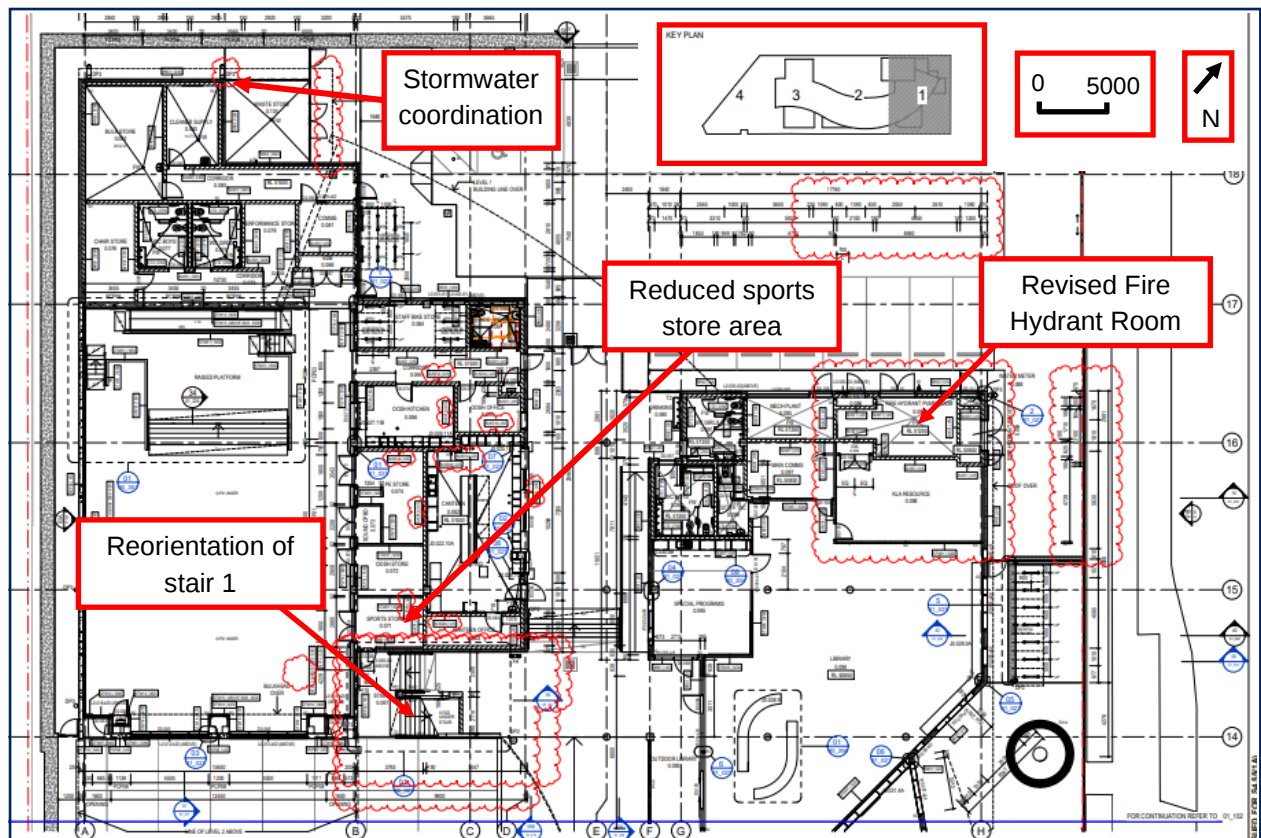


Figure 5 | proposed modifications on level 0 part 1 (Source: Applicant's modification application 2020)

The justification for the proposed modification was to address the number of 'alternative solutions' under the Building Code of Australia (BCA) approved under the SSD approval. The Applicant investigated ways to address the alternative solutions through design development. This has led to two design improvements:

- revision of travel paths including reorientation of an existing stairwell, provision of an additional stairway, and minor layout amendments to each floor level.
- a fire sprinkler systems and ancillary fire service infrastructure to facilitate this system.

3 Strategic context

Public school enrolments across NSW are anticipated to be 40,000 students higher in 2019-2020 than they were in 2015-2016. In response to the need for additional public education infrastructure as a result of increased demand, the NSW Department of Education is delivering new schools and upgrading existing schools to meet this demand through the Government's \$1 billion Rebuilding NSW Schools fund. The site is located in an area facing increased demand for suitable teaching spaces with future projected growth within the Georges River LGA.

The Department considers that the proposed development continues to be appropriate for the site given:

- it is consistent with The Greater Sydney Regional Plan, A Metropolis of Three Cities, as it proposes new school facilities to meet the growing needs of Sydney.
- it is consistent with the NSW Future Transport Strategy 2056, as it would provide a new educational facility in a highly accessible location and provides access to new employment opportunities close to public transport.
- it is consistent with the Greater Sydney Commission's South District Plan, as it provides investment in school infrastructure conveniently located near existing public transport services and opportunities to co-share facilities with the local community.
- it is consistent with State Infrastructure Strategy 2018 – 2038, as it provides direct investment to address increased enrolment demands, would provide access to modern digitally-enabled learning environments for all students and would enable facilities to be co-shared with the local community.

4 Statutory context

4.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the project as approved
- is substantially the same development as originally approved; and
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent authority

The Minister will be the consent authority under section 4.5(a) of the EP&A Act.

Minister's delegate as consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 11 October 2017, the Director, Social and Infrastructure Assessments, may determine the application.

5 Engagement

5.1 Department's engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modifications with minimal environmental impact applications. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 10 March 2020 and was referred to Georges River Council for comment.

5.2 Summary of submissions

One submission was received from Council in relation to the proposed modification where they neither supported nor objected the proposal. The submission noted that the modification relates directly to BCA compliance and works to achieve this compliance.

6 Assessment

The Department has considered the merits of the application in accordance with the relevant matters under section 4.55(1A) and the objectives of the EP&A Act.

The Department considers that the key issues of the proposed modification to be built form, internal layout, and landscaping.

6.1 Built form

The modification proposes a new stair (stair 4) to reduce would reduce egress distances and provide better access for students and staff. The stair 4 would be outside of the building envelope similar to the approved stair 1 and 3 (see **Figure 6** and **Figure 7**). The Department acknowledges the proposed stair 4 is below the maximum approved building height of 18.2m above existing ground level.

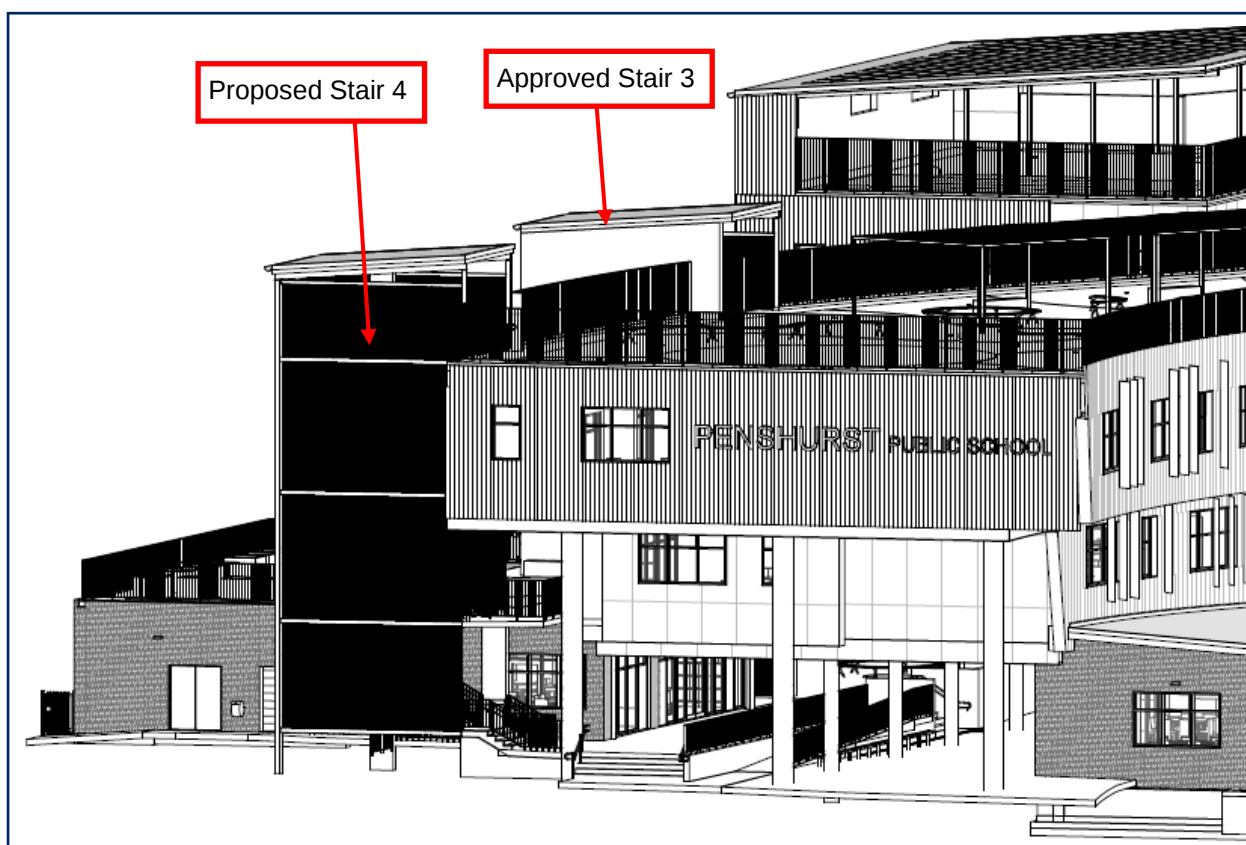


Figure 6 | view looking north to the southern end of the school building (Source: Applicant's modification application 2020)

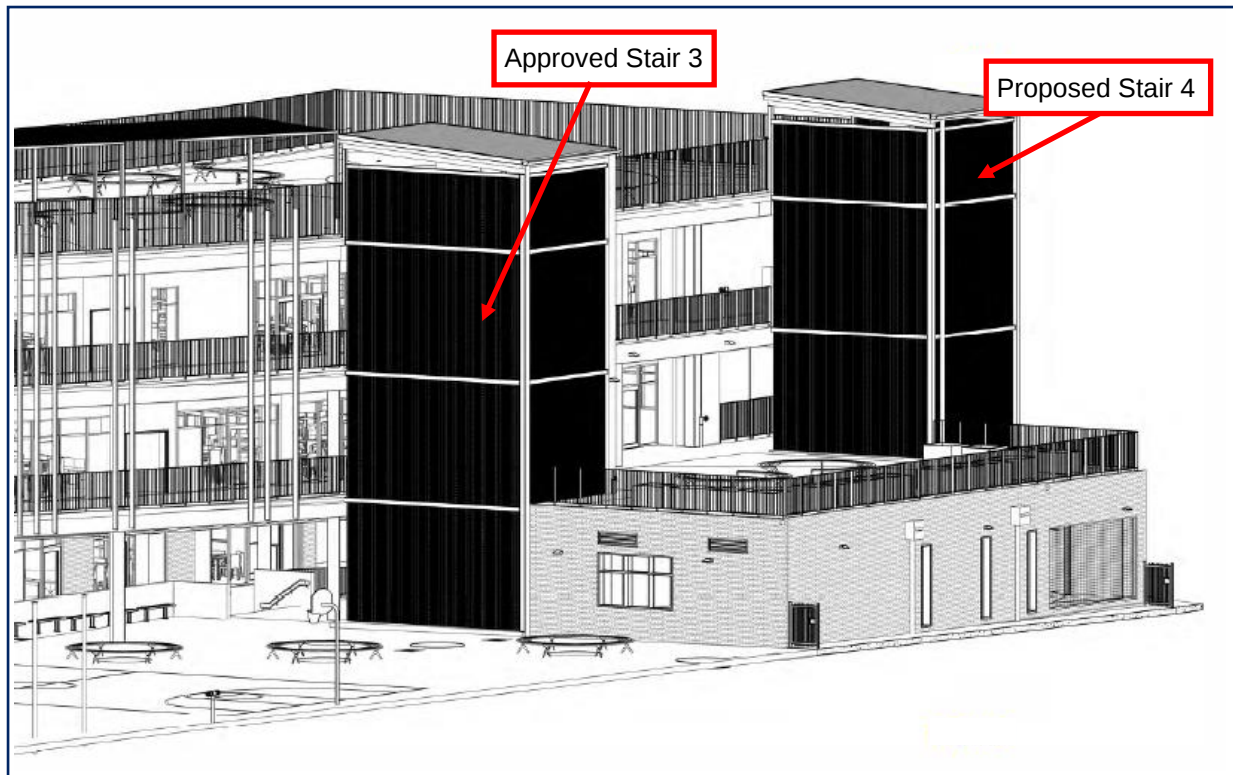


Figure 7 I view looking west to from within the school site (Source: Applicant's modification application 2020)

A request for information was made to clearly depict the proposed new staircase. The Department received advice from the Applicant, including **Figure 6** and **Figure 7**, asserting that Stair 4 would be modelled on Stair 3. The Department considers that stair 4 would be consistent with the design and built form of the previously approved stair 3. The proposed stair 4 would not be evidently visible from Forest Road due to the well-established trees obstructing a direct view.

The modification proposes amendments to the external openings of the roof-top plant rooms as part of the design development. The Department acknowledges this would have no impact on the building height or scale.

The Department considers the building scale will continue to keep within the existing streetscape and neighboring school. The building setbacks have been maintained to minimise the impact on the adjacent school and to reduce visual encroachment. The built form will remain relatively the same with no changes to the material and finishes. The overshadowing impact would not be substantially affected with shadowing limited to Penshurst Street. The Department acknowledges that the proposal encourages better accessibility within the school site, and accepts the changes would have minimal impact on the built form and surrounding amenity.

6.2 Internal layout

The modification seeks approval for several changes to the internal layout including reduced sports store, reorientation of stair 1, stormwater coordination and installation of a sprinkler system.

The sports store has been reduced by 12sqm, from 22.1sqm to 10.9sqm (refer to **Figure 8**). The Department acknowledges this is proposed to accommodate for the reorientation of stair 1 by 180

degrees and additional flight to the street play area. The play street ramp has been amended to improve stormwater coordination allowing for a new stormwater pit.

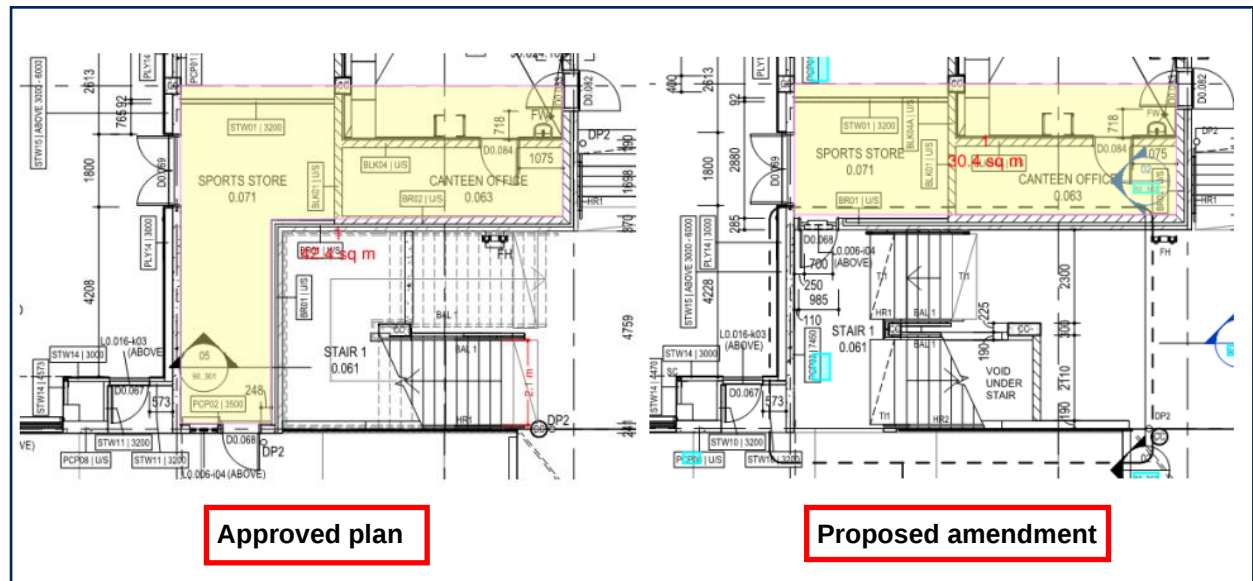


Figure 8 | snapshot of the approved and proposed reduction to the sports centre (Source: Applicant's modification application 2020)

The modification proposes the installation of a sprinkler system and pump. The Department acknowledges the inclusion of a fire sprinkler system provides better safety for students and staff. The Department notes the proposed changes would be BCA compliant, as envisaged in the BCA and accessibility reports submitted in support of the proposal.

6.3 Landscaping

The modified landscape design is proposed due to the proposed addition of Stair 4 resulting in the relocation of trees (see **Figure 9**). The planting of trees has been re-arranged around the proposed new stair.

The Department notes these amendments serve a functional purpose and would not significantly impact the overall landscape design. The revised landscape would not reduce the total play area, nor would it change to the number of trees planted, various shrubs, ground covers and concrete finishes.



Figure 9 I snapshot of the approved and proposed landscape plan (Source: SSD-8365 and Applicant's modification application 2020)

7 Evaluation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the proposal remains consistent with the original conditions of consent.
- there are no detrimental impacts to the amenity of nearby residences.
- the proposed changes would result in substantially the same development as the original approval.

Consequently, it is recommended that the modification as recommended be approved.

8 Recommendation

It is recommended that the Director, Social and Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application Penshurst Public School (SSD-8365-MOD-1) falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **agrees** with the key reasons for approval listed in the draft notice of decision;
- **modify** the consent SSD-8365
- **signs** the attached approval of the modification (**Appendix A**).

Recommended by:



Jasmine Tranquille
Planning Officer
School Infrastructure Assessment

Recommended by:



Dominic Crinnion
Team Leader
Water and Intermodal Assessment

9 Determination

The recommendation is **Adopted** by:



6 April 2020

Karen Harragon

Director

Social and Infrastructure Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – Notice of Modification

<https://www.planningportal.nsw.gov.au/major-projects/project/27221>

Appendix B – Additional information

<https://www.planningportal.nsw.gov.au/major-projects/project/27221>